

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DANIEL ANTONIO FOUNTAIN, Sr.,

Plaintiff,

Case No. 2:13-cv-271

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

v.

**WARDEN, FRANKLIN MEDICAL
CENTER, et al.,**

Defendants.

ORDER

This matter is before the Court for consideration of the United States Magistrate Judge's Report and Recommendation filed on June 7, 2013. (ECF No. 10.) The Magistrate Judge recommended that the Court dismiss this action pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. The Magistrate Judge recommended dismissal under Rule 41(b) for Plaintiff's failure to supply the Court with an updated address despite multiple Orders from this Court directing him to do so. (ECF No. 10 at PAGEID# 51-52.)

The Report and Recommendation specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (ECF No. 10 at PAGEID# 53.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. In light of the facts that Plaintiff filed no objections and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, the Court **DISMISSES** Plaintiff's Complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE